

December 12, 2006



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

PRESENT

PRESENT

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3	Councilmember Marilyn Praisner, President	Councilmember Michael Knapp, Vice President
4	Councilmember Phil Andrews	Councilmember Roger Berliner
5	Councilmember Marc Elrich	Councilmember Valerie Ervin
6	Councilmember Nancy Floreen	Councilmember George Leventhal
7	Councilmember Duchy Trachtenberg	
8		



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1 Council President Praisner,
2 Good morning ladies and gentlemen, we apologize for being late but we had an
3 important interview to conduct. Would you please rise for the invocation by Ms. Kellogg,
4 Spiritual Assembly of the Baha'i of Montgomery County.

5
6 Jan Tunney,
7 Oh la kind Lord this gathering is turning to thee. These hearts are radiant with thy love.
8 These minds and spirits are exhilarated by the message of thy glad tidings. Oh God, let
9 this American democracy become glorious in spiritual degrees even as it has aspired to
10 material degrees and render this just government victorious. Confirm this revered nation
11 to upraise the standard of the one -- to promulgate the most great peace. To become
12 thereby most glorious and praiseworthy among all the nations of the world. Oh God, this
13 American nation is worthy of thy favors and is deserving of thy mercy. Make it precious
14 and near to thee through thy bounty and bestowal.

15
16 Council President Praisner,
17 Thank you. Would you mind remaining standing for a moment of reflection and
18 recognition. I'd like you to honor a friend of mine. Mike Guido who is, was, Mayor of
19 Dearborn, Michigan for 21 years and just passed away. He was President of the
20 Congress of Mayors and just died from pancreatic cancer last week. So, if you could
21 join me in a moment of silence, I'd appreciate it. Thank you. General business
22 announcements. Linda Lauer.

23
24 Linda Lauer,
25 The changes this morning in the District Council Session, there are two Zoning Text
26 Amendments planned for introduction, 06-26 and 06-27 just to note that the hearing
27 date has changed to January 16th at 1:30 for both of those. Thank you.

28
29 Council President Praisner,
30 Thank you. I'd also like to announce that on January 23rd, the County Council will be
31 holding a public hearing. 25th, I'm sorry. January 25th the Council will be holding a
32 public hearing on transportation priorities. It's been over a year since we reviewed
33 transportation priorities. Obviously we have challenges associated with funding for
34 those priorities but we will entertain comments and thoughts from the community on
35 those issues.. Approval of minutes, Madame Clerk.

36
37 Council Clerk,
38 We have the minutes of November 28th for approval.

39
40 Council President Praisner,
41 Is there a motion.

42
43 Councilmember Floreen,
44 So moved.



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1 Council President Praisner,
2 Ms. Floreen, second, Ms. Trachtenberg. The minutes of November 28th are before you.
3 All in favor. Unanimous. Thank you very much. There are no petitions this week, the
4 council has received no petitions. First item on the agenda this morning is the
5 confirmation of the County Executive's appointee as Chief Administrative Officer Tim
6 Firestine. I would ask Mr. Leggett who is here, County Executive Leggett and Mr.
7 Firestine to join us at the table. The council earlier this morning had an opportunity to
8 reacquaint ourselves with Mr. Firestine who is no stranger to the council having served
9 as the Chief of the Finance Office -- Finance Department for quite a few years. Mr.
10 Leggett. Welcome.

11
12 County Executive Leggett,
13 Thank you Madame President. I had a reflection back a second ago when you called for
14 a vote I almost raised my hand. I am delighted to be here. There are basically two
15 appointments this morning, I'm very excited about both of them. The first one I think is
16 one that I think is drawing a great deal of attention because of his importance to
17 Montgomery County and to our government and how it interacts with the public. One of
18 the things that I emphasize during the campaign and the initial phase of the election
19 was customer service and change. It was my belief that we needed to look again at
20 some of the things that we were doing in terms of our government to reflect some
21 change but also have the opportunity with experience and knowledge and a person who
22 I think can combine all of those things and I think we have such a person in Tim
23 Firestine. I had an opportunity to meet him and know him many years ago when I first
24 came on the county council. I was impressed with his knowledge, his expertise, the way
25 in which he integrated with people, not only the Councilmembers, the public as well but
26 also other employees, his colleagues.. I've had a chance to follow his career, his path.
27 To recognize not only do we have a person with extremely strong background and
28 financial experience but also someone with the broad view of government. I believe that
29 he combines all of the skills, the expertise and the professionalism to make an
30 outstanding Chief Administrative Officer. So I present him to you for your confirmation
31 as our new Chief Administrative Officer. Madame Chair.

32
33 Council President Praisner,
34 Thank you very much. I'm going to exercise a point of personal privilege and make the
35 motion myself for the appointment of Tim Firestine as Chief Administrative Officer. I've,
36 of all of my colleagues at the table have probably spent the most hours with Tim over
37 the years as a Councilmember, whether it is on bond rating chips or dealing with the
38 budget or in Management of Fiscal Policy Committee and as I said downstairs and as
39 I've been reported in the press Mr. Leggett, I'm ecstatic with this appointment. I think
40 this is good for everyone except perhaps the Firestine family which joins us here today.
41 Three beautiful young men and a lovely wife. Thank you for loaning us Tim Firestine.
42 Tim, would you like to introduce your family?

43
44 Tim Firestine,



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1 I would like to do that yes.

2
3 Council President Praisner,
4 Please.

5
6 Tim Firestine,
7 I did ask their permission first before I agreed to try this job but these are the three guys.
8 This is Alexander who is a first grader. He's not in school today so it's going to hurt our,
9 I'm sorry kindergartner. It's going to hurt our --they grow up so fast.

10
11 Unidentified
12 You've already assumed that year away.

13
14 Tim Firestine,
15 That's right. It's going to hurt our average daily attendance figures for that Darnestown
16 elementary school. This is Michael. Michael is four years old and his twin brother
17 Nicholas and this is my wife Debbie King. I'd also like to introduce the support staff we
18 have at home, which are my in-laws, best in-laws in the world. Mike King and Jackie
19 King. [Applause] I know you haven't voted yet but I --I do want to thank again Mr.
20 Leggett in his confidence in appointing me to this position. I took really good notes
21 downstairs. I know it's on your plate and your agenda and I will pay particular attention
22 to those things.

23
24 Council President Praisner,
25 Comments? Mr. Knapp.

26
27 Councilmember Knapp,
28 Thank you Madame President and I think we need to second your nomination, do we
29 not?

30
31 Council President Praisner,
32 Actually I heard the second from Mr. --.

33
34 Councilmember Knapp,
35 Okay. Excellent. No I just also would like to take a moment to commend the County
36 Executive for his fine selection and thank Tim for all he's done for county government
37 for the last 25 years.

38
39 Tim Firestine,
40 27.

41
42 Councilmember Knapp,
43 27 years. The word that was or the description that was bandied about downstairs by I
44 think by everyone was counselor professional and I think that that clearly at least



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1 typifies the four year relationship I've had. The questions were always there, if and not
2 then a ready response to go find it. Very straightforward, forthcoming with all the
3 information that's necessary for us from this side of the street to make a well informed
4 decision. And the thing that excites me the most is you've been with county government
5 for 27 years and it shows that we recognize there's excellence within county
6 government and want to promote that and I think that sets a fine example and a great
7 leadership role for everyone else in county government to aspire to and so I --
8 commend the County Executive and I thank you Tim for wanting to accept this
9 challenge and your family for wanting to accept it with you. I know how that goes
10 sometimes but thank you very much and I heartily endorse this nomination.

11
12 Council President Praisner,
13 Mr. Andrews.

14
15 Councilmember Andrews,
16 All of us said wonderful things about Tim Firestine downstairs. I think it's perhaps why
17 we all won't say it again so congratulations.

18
19 Council President Praisner,
20 We're trying to keep on schedule. Okay, there's a motion before us to appoint -- confirm
21 Tim Firestine as Chief Administrative Officer for Montgomery County Government. All in
22 favor? It is unanimous. [cheers & applause] . Now, on the other hand we have another
23 confirmation and that is the County Executive's appointee for Director of the Office of
24 Public Information and in this case the County Executive has raided the council office
25 building in the dark of night and is carrying away from us our Council Public Information
26 Officer. So much for cooperation Mr. Leggett.

27
28 County Executive Leggett,
29 I'm reminded of the Baltimore Colts that left to go to Indianapolis, you make that
30 description there, but I am delighted also to introduce and reintroduce to some Pat
31 Lacefield, all of you know who served you very well and I think that he was serving a
32 larger role for county government.. Keep in mind that this office really was created for
33 county government not necessarily for the executive branch of government and I hope
34 that you would continue to utilize this in a way it was originally intended, and that we
35 have ongoing cooperation. Pat Lacefield.

36
37 Council President Praisner,
38 Mr. Lacefield will be the spokesperson for Montgomery County government and to that
39 end he has great experience having learned a lot about government in this council
40 position and I know he will work with all of the public information officers of all of the
41 agencies of government as well. Is there a motion? Ms. Floreen.

42
43 Councilmember Floreen,



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1 Yes, I just wanted to say congratulations Patrick. We -- you have served us very well
2 and I'm pleased that you're going onwards and upward and I hope you won't forget us
3 little people on the other side of the street--.

4
5 Council President Praisner,
6 Is there a second? Mr. Andrews.

7
8 Councilmember Andrews,
9 Second. Right, Patrick Lacefield has done an amazing job here. Especially given what
10 he has had to work with. You've done great. He's had, he's going from nine bosses to
11 one. That's a big change but as Mr. Leggett said he really is going to be working for the
12 entire county government as well so I know I'm not going to hesitate to call on his good
13 advice as I have repeatedly in the last eight years. Pat has done excellent work in
14 helping to really keep the public, through the media, informed of what's important and
15 what to pay attention to and what really matters and communicate in a way that is
16 readily understandable to everybody and that's not always easy. You have got a gift for
17 that Pat and I look forward to continuing to work with you and see the great work that
18 you're going to do.

19
20 Council President Praisner,
21 Mr. Leventhal.

22
23 Councilmember Leventhal,
24 I am a little concerned about who will be picking up my nephews at daycare now that
25 Patrick is going to be working longer hours but I very much-

26
27 Council President Praisner,
28 Without a Jeep

29
30 Councilmember Leventhal,
31 Oh, and he doesn't have a Jeep. It's been a pleasure working with you Patrick.
32 Professionally obviously we know each other well personally, for those who aren't aware
33 of it, some years before Patrick came to work here and well before I was elected Patrick
34 married my sister. But what I want -- .

35
36 Council President Praisner,
37 Showing good judgment all along.

38
39 Councilmember Leventhal,
40 He married into a good family. Married up as most people say. Most of us say that. But
41 let me just say I appreciate the County Executive saying the purpose of the public
42 information office is to serve all of county government including the legislative branch.
43 That had never been a point I have ever heard before in four years here on the council
44 and if that is the County Executive's intent we can certainly keep the office busy.



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1
2 Council President Praisner,
3 The motion before us is to confirm Patrick Lacefield as the Director of the Office of
4 Public Information. All in favor? It is unanimous. Congratulations. All right. Okay. Ladies
5 and gentlemen. We will get back to work -- Patrick wants to shake hands.

6
7 Patrick Lacefield,
8 There's four Councilmembers I never got a chance to work with.

9
10 Council President Praisner,
11 I would entertain a motion on the consent calendar.

12
13 Councilmember Knapp,
14 So moved.

15
16 Council President Praisner,
17 Mr. Knapp. Is there a second. Mr. Elrich.

18
19 Unidentified
20 Any items? Ms. Ervin, you want to comment on one of the items.

21
22 Councilmember Ervin,
23 Yes, I'd like to comment on item H on the consent calendar.

24
25 Council President Praisner,
26 Yes.

27
28 Councilmember Ervin,
29 If I may.

30
31 Council President Praisner,
32 Sure.

33
34 Councilmember Ervin,
35 While I understand that certain actions need to be taken today to select a Grant
36 Advisory Board and publish the grant applications in time for the 2007 grants cycle, I
37 believe that some fundamental issues remain that need further discussion including
38 whether the council should be involved in the grant making process and if so, what role
39 should we have in that process. I have requested that the MFP and HHS committees
40 review an alternative proposal which I circulated last week. My proposal is separated
41 into two parts. The first part of the grants program would consist of having an
42 independent community panel appointed by the council which would review and allocate
43 funds according to council priorities that would be established each year by the council.
44 For example, the council may choose to recommend that this independent panel fund



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1 child care, education and public safety initiatives. This approach would give the panel
2 guidance in their decision making and restrict the types of grants that are awarded.
3 These priorities would change from year to year as the needs of the county change. The
4 second piece of the program would consist of a finite amount of funds that would be
5 allocated by the Councilmembers at their discretion to fund small many grants. I
6 envision that these type of grants would be for one time expenditures that nonprofits
7 generally have a difficult time getting funded. It is my understanding that these issues as
8 well as other proposed alternatives will be reviewed by the joint committees in January
9 once the council returns from recess. I look forward to being an active participant in this
10 discussion.

11
12 Council President Praisner,

13 Thank you. Ms. Ervin's comments and suggestions and thoughts on the grant process
14 as well as any other Councilmembers' thoughts and suggestions will be referred to the
15 joint committees. I've already consulted with Mr. Leventhal and Ms. Trachtenberg and
16 those items will be considered by them. Today we are going forward with the application
17 process and also the appointment of the advisory group. Any other items on the agenda
18 that Councilmembers would like to comment on? Mr. Berliner.

19
20 Councilmember Berliner,

21 Madame President, I just wanted to reinforce the comments made by Councilmember
22 Ervin. Many of us were uncomfortable as the newbies if you will, were uncomfortable
23 moving forward this quickly on such an important matter that which you and Chairman
24 Leventhal have spent a great deal of time with respect to and it is a process that is a
25 very difficult process. I just wanted to articulate my own view that we will undoubtedly be
26 taking this issue up as you suggested in the joint committees and that there will be
27 modifications to this process going forward that we may find that this year is an interim
28 period of time in which we, by virtue of the need to move forward in the calendar, we
29 may have something less than what he hope for eventually but that we will move
30 forward to that objective.. I want to commend Councilmember Ervin for her thoughts and
31 participation in this process.

32
33 Council President Praisner,

34 Each time, as I may comment, each time the council has considered this issue we've
35 made modifications. I think my colleague, Mr. Leventhal, would agree that this is always
36 a work in progress and hopefully we make progress as we continue to work on this
37 issue. Mr. Knapp?

38
39 Councilmember Knapp,

40 Thank you Madame President. I just want to again reiterate my support for all the
41 Councilmembers up here for their support of the Purple Line, Corridor Cities Transitway
42 and metro funding. As we saw in yesterday's paper with metro facing \$116 million
43 shortfall we need to clearly make an investment in our existing infrastructure and we
44 need to quickly address the trans infrastructure that's not yet here. Much development



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1 has occurred predicated upon it and it has not moved forward yet and I think this is just
2 one level of reinforcement to make sure that we as a council are unanimous behind
3 addressing this issue and I thank my colleagues for that I believe Mr. Berliner had one
4 addition which is a critical addition I think at the end of the day because we can talk
5 about our support for this but unless we have the revenue to do it, it's all just talk.

6
7 Council President Praisner,
8 Mr. Berliner

9
10 Councilmember Berliner,
11 Madame President, I do have an amendment. I will learn to do this eventually.

12
13 Council President Praisner,
14 That's okay.

15
16 Councilmember Berliner,
17 I do have an amendment that I have distributed previously to my colleagues. With
18 respect to this that will put the council on record in favor of the increasing state gasoline
19 taxes, one means by which we can ensure we actually have the funding necessary for
20 what I think all of us appreciate are critical mass transportation projects for our
21 community. I believe that our county executive has been particularly courageous with
22 respect to this issue and making sure that people know that we do need additional
23 funding and the gasoline tax is the most appropriate way to achieve that and I think we
24 owe it to our county executive to support him in that regards. I have taken amendments
25 from my colleagues, both the sponsors of this resolution to make it clear that we won't
26 get there alone in terms of funding on a gasoline tax. We will need other sources of
27 revenue to achieve that objective and I believe Councilmember Trachtenberg was
28 comfortable with that change as well. I have been grateful for feedback from our
29 colleagues. I think it has made it a stronger resolution I do think from an environmental
30 energy and transportation policy perspective, that an increase in the gasoline tax is the
31 most appropriate and we can't say that we support these projects without identifying that
32 we need additional revenues if we're going to get them. I commend this amendment to
33 you for your consideration.

34
35 Council President Praisner,
36 Mr. Berliner I would appreciate it since the audience may not have had the benefit of
37 seeing or reading or hearing the resolution amendment, this is a new item, number 4, if
38 you would read it please.

39
40 Councilmember Berliner,
41 The council also recognizes that in order for the state of Maryland to fund the Purple
42 Line, the Corridor Cities Transitway and other critical transportation infrastructure,
43 significant supplemental revenue sources will be required. The council intends to work
44 cooperatively with the general assembly to develop a mix of resources that will provide



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1 this necessary funding. From an environmental energy and transportation policy
2 perspective the council believes that an increase in the state gasoline tax is one
3 appropriate means to provide supplemental transit funding and urges the general
4 assembly to approve such an increase as well as other substantial revenue
5 enhancement.

6
7 Council President Praisner,

8 Thank you very much. We have some other colleagues who would like to comment. Mr.
9 Elrich.

10
11 Councilmember Elrich,

12 Make a quick comment on two things. One is I want to be on record as supporting the
13 direction that Ms. Ervin wants to take on the grants proposals. I think that the council
14 has had a discussion of the process. I'm not very happy with the existing process and I
15 look forward to the discussion about the format that she has proposed for doing grants
16 in the future. The other thing is I want to comment on, Roger's proposal on Purple Line
17 and Corridor Cities. We not only need the revenue funding, but we need some direction
18 though the Legislature about how to spend the money because they can raise more
19 money through the gasoline tax, there's no guarantee that that money is going to wind
20 up in the Purple Line or Corridor Cities Transitway, so this is to me a two pronged effort.
21 One is shifting the priorities of the state to it's rail projects and mass transit to get funded
22 and second that they find revenue sources in order to do that. We understand we can't
23 direct them on how to spend this at this point but I think it's critical that we commit
24 ourselves to lobbying for a different direction for expenditure of state funds. These are in
25 my mind the two most critical transportation projects in Montgomery County today .

26
27 Council President Praisner,

28 Ms. Floreen.

29
30 Councilmember Floreen,

31 Thank you. I want to commend Councilmember Berliner for advancing this element of
32 the resolution. I testified in front of the transit funding panel two weeks ago and that was
33 one of the questions that one of the panel members from another part of the state asked
34 me, what was the council's position on resources? And of course I said well we don't,
35 haven't taken a position. But I think the point that we will want to continue to make with
36 the general assembly is that this is a regional issue, it is not a Montgomery County
37 issue alone. Six counties -- residents from the six counties partake of Metro. Counties
38 throughout the east -- certainly the eastern part of the state will all benefit from
39 increased investment in transit. Baltimore City, Baltimore County, Harford County, and
40 Anne Arundel County will all benefit from increased revenues that support transit
41 mobility because the fact of the matter is what with the BRAC initiatives going on, the
42 entire state and every resident of the state will be affected by mobility challenges. And
43 so, I think it's excellent that Roger, you've taken this on and I thank you for your initiative
44 here.



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1
2 Council President Praisner,
3 Mr. Andrews.

4
5 Councilmember Andrews,
6 Thank you Ms. President. I agree with Councilmember Elrich that the Corridor Cities
7 Transitway and the Purple Line are the most important projects facing our region for
8 improving transportation and they need to be funded. Funding does need to be
9 increased at the state level for transportation. The latest consolidated transportation
10 plan shows a substantial drop in actual likely funding for the projected six years or so. I
11 think of \$700 or so million.

12
13 Glenn Orlin,
14 The last estimate was \$655 million less than what they had projected a few months ago.

15
16 Councilmember Andrews,
17 Alright. That's a pretty substantial amount of money. We continue to hear almost daily
18 about metro's challenges and the backlog there in maintenance and also the need for
19 new purchases and we all hope to expand the metro system as well. It is very critical
20 that we send a strong message to everyone that we want to see these transit projects
21 move forward. I believe they should be the first projects to move forward that are not
22 built at this point. And so I am pleased to support the resolution. I want to also comment
23 on the grants issue. I want to commend Council President Praisner and HHS Chairman
24 George Leventhal for their leadership over the past three years in helping to make a
25 very bad system, somewhat better. There was no formal application process when they
26 began this effort. There was no deadline. There were no requirements for what was
27 included and really all that was required were five votes of Councilmembers and that's
28 not enough. We need a system for considering grants that takes advantage of expert
29 advice and the grants panel will help provide that. Ultimately I believe the council needs
30 to give the authority to either the executive branch or to an expert panel as to what and
31 who is delegating the authority in terms of what is recommended for funding. Ultimately
32 the council must approve any expenditure but I think we should get in the practice of, in
33 effect, taking ourselves out of the business of picking the recipients of grants. We really
34 do not have the expertise to do that and I think it has resulted in the past of those who
35 know the Councilmembers best getting the grants. It became an insider's game. Lately,
36 thanks again to the good efforts of my colleagues, there's been a lot more public
37 information out there. There's a public process now that's held so we are getting many
38 more requests for grants. As a result a lot of good organizations out there doing good
39 work, my concerns about this go mainly to how the decisions have been made in the
40 past and the inappropriateness of Councilmembers in effect picking the recipients of
41 individual grants. It's very much like federal earmarking and it's too much also like the
42 state assembly's legislative scholarship program where individual legislators can pick
43 the recipients of scholarships for constituents and to give to constituents and I don't
44 think that is a healthy system either and that needs reform. So, for all those reasons I'm



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1 very happy to see the continual progress the council is making in improving the system
2 and I thank my colleagues for taking it on. It is an important thing to do because these
3 are public dollars and they need to be carefully allocated and decided upon in a way
4 that meets the test of public confidence.

5
6 Council President Praisner,
7 Ms. Trachtenberg.

8
9 Councilmember Trachtenberg,
10 I want to make two sets of comments. The first actually pertain to the resolution that
11 both Council Vice-President Knapp and Councilmember Floreen have advanced on the
12 Purple Line and the Corridor Cities Transitway. I also support the amendment as
13 Councilmember Berliner indicated. If there's one thing that's clear from the experts and
14 clearly from the community is that we really do need to seriously focus on public
15 transportation and obviously the real challenge here is funding it so I thank all of my
16 colleagues for advancing this resolution. I also want to address item number H, the
17 Grants Advisory Group. I'm not prepared today to support what Councilmember Ervin
18 has advanced as an option although it could possibly be the basis of a future resolution
19 on the matter. I have my own ideas about what might be the best model and that
20 actually is specific to making the process more of an administrative one within
21 departments with oversight and input from both the executive and the council and I am
22 prepared to make some recommendations to my colleagues over the course of the next
23 few weeks through any committee work that we do. Again, I appreciate the initiative that
24 both Council President Praisner and Councilmember Leventhal have made in this. I
25 think as Councilmember Andrews indicated, there is room for improvement but at the
26 same time I think we have to really be very careful about what we initiate in the way of a
27 process and I would certainly and do support the idea of sitting the panel as soon as
28 possible but again I just wanted to make the general comment that I intend on raising
29 two or three other options beyond what Councilmember Ervin has suggested.

30
31 Council President Praisner,
32 Mr. Leventhal.

33
34 Councilmember Leventhal,
35 Thank you Madame President. I want to thank the citizens who volunteered to serve on
36 the Grants Advisory Group. We're appreciative of them making their time and interest
37 available and there are some extraordinarily --. There are some people with
38 extraordinary strong grounding in the nonprofit community and in the Montgomery
39 County community and I really appreciate their complying with the prior council's
40 request that they apply timely and that they did apply and that we are proceeding today
41 to appoint them as the prior council had stated that we would. There is always -- there
42 are always issues that carry over and so we have a new council today but we have the
43 same issues facing us that the last council faced and as new Councilmembers come to
44 terms with their responsibilities, there will of course be and appropriately so question,



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1 was this done correctly before, can we start anew and do it differently and do it better
2 and I'm sure that that's a productive and useful question to ask. In the case of the grants
3 process I don't think there ever will be a perfect answer because there will always be
4 constituents of ours who will want funding for their good work who will not get it and they
5 will always be angry at us because they won't get funding to the extent that they want it.
6 They will be angry at us whether the process is relatively arbitrary and subjective as Mr.
7 Andrews correctly stated it was when I joined the County Council four years ago and
8 they will be angry at us whether it is a process where we receive comments from a
9 panel and the final decisions rests with the County Council as it was for the last two
10 years and which I would advocate we continue. And they will be angry if they find that
11 there is a citizen panel fully empowered to make the grants itself without the final
12 decision resting with five members of the county council, although I've not yet read Ms.
13 Ervin's proposal, I understand that's what she's proposing. So, there will be angry
14 constituents. You can count on that. I don't think that there is a perfect answer to this
15 and I certainly anticipate that we will have ongoing conversations each year about what
16 is the right way to do this.

17
18 Council President Praisner,
19 Each week.

20
21 Councilmember Leventhal,
22 As I say I've not yet read Ms. Ervin's proposal. She said it was distributed and I believe
23 that it was, I just haven't seen it yet. I anticipate that there will be great interest here in
24 the room and out in the community as reading it as well so I would hope that Ms. Ervin
25 would share it not only with her colleagues but also make it publicly available.

26
27 Council President Praisner,
28 Okay. Remind my colleagues we're going to go through another round. Folks have
29 already spoken. This is consent calendar items and we are scheduled to end this
30 meeting at 12:30. Mr. Elrich. Mic. Mic Mark, Mark mic.

31
32 Councilmember Elrich,
33 Just a question about process. One of my concerns is that whenever the committee do
34 be as open as possible. I don't know what the appropriateness is or how rules are
35 decided for how the committee operates but I think it's important not to have ex parte
36 communications between potential grant recipients and individual members of the
37 committee. I think there needs to be some kind of process for a committee to say these
38 are the proposals we're going to hear and this is way we're going hear them. Because
39 one of the issues I've heard raised in the nonprofit community is the differing ability of
40 different groups to present their cases and I think there needs to be a process where
41 every group has roughly an equal opportunity to present their cases and in a format that
42 everybody understands. I'm not exactly sure how to deal with it but I would like this
43 process to be as open and as depoliticized as possible. I agree with what George said
44 that at the end of the day not everybody is going to be happy. I think the only way we



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1 can make them happy is if we allocated enough money in advance in the budget to fill
2 all the requests in which case there would be no point to having a panel. We would just
3 simply say put in your requests and we will fund them and I think that's not where
4 anybody's going and I'm not suggesting going there so I agree that everybody will not
5 be happy. I would like at least people to feel that the process was fair even if they're not
6 happy with the outcome.

7
8 Council President Praisner,

9 I think there -- we are empowering the panel today by appointing them. There will be a
10 in-service for the panel. The issue that's been raised in the past was not being able to
11 come back and comment on the written comments that the group may have made. Part
12 of the reasons for moving expeditiously to start creating a panel is to provide the in-
13 service for them but also to provide appropriate time so that if there are questions back
14 and forth about the application but I'm not sure that ex parte is the issue. Mr. Leventhal
15 you want to comment.

16
17 Councilmember Leventhal,

18 I wanted Mr. Faden please to give us a definition of the term ex parte and I have
19 additional comments.

20
21 Mike Faden,

22 Strictly speaking the term ex parte applies to a proceeding that by law-- a decision that
23 by law is made by law on the record of a proceeding normally a quasijudicial
24 proceeding. I'm not familiar with all the details of the Grant Advisory Group's resolution
25 but it's certainly possible for either you to assign them or them themselves to adopt a
26 process that is limited in the same way as the ex parte rule but legally speaking the ex
27 parte rule wouldn't apply here.

28
29 Council President Praisner,
30 George, you want to comment?

31
32 Councilmember Leventhal,

33 Well, I do yeah. Just to be clear the county council could pass a law but it has not yet
34 passed a law that today in any way imposes any restriction on any nonprofit
35 organization from meeting with Councilmembers to discuss with Councilmembers their
36 programs, their priorities and their desire for funding. Any communication of that nature
37 today is not ex parte, am I correct?

38
39 Mike Faden,
40 You are correct.

41
42 Councilmember Leventhal,



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1 Thank you. I want to also just say it's --how interesting it is to be four years later
2 because four years ago I was a vociferous critic of the grants process and those
3 Councilmembers who carried over from the prior council at that time bit my head off for .

4
5 Council President Praisner
6 I didn't.

7
8 Councilmember Leventhal,
9 Not all. Actually the only two who are still here were not.

10
11 Unidentified
12 That says something.

13
14 Councilmember Leventhal,
15 What a difference four years makes because I find myself now, not that I believe I am
16 this, but I may now be a defender of a moving status quo but it is a status quo in flux. I
17 just would caution my new colleagues and friends, first of all there is a fact that we
18 cannot change and that is this. Under the County Charter, five Councilmembers may
19 appropriate money for any purpose that five Councilmembers choose. Their absent
20 charter amendment, which I would not recommend that would actually take that power
21 away from the county council. the county council does have that power and the day may
22 arise where five Councilmembers may decide that there is an urgent priority for which
23 five Councilmembers want to appropriate money so I would just caution and I so hope I
24 don't sound patronizing now. I would caution my new colleagues not to disempower
25 themselves too quickly. That unanticipated situations may arise and that to jump into a
26 process where we say well we don't have that power anymore, we can't support these
27 causes any longer, we're delegating that power to a group of citizens, may create a
28 situation in future where you will kind of wish you had some of that authority or power
29 back but we'll have that conversation in the two committees..

30
31 Council President Praisner,
32 Let me remind the council that all we're doing today is approving the application form
33 and also appointing the group, and I am very happy to schedule a discussion which I
34 know we have to have in January or February or March and April, May and June on the
35 overall issue of grants. I also hope that by then we will have the input of the county
36 executive which I know will be forthcoming. I want to remind my colleagues that we are
37 to break at 12:30 for other issues. Ms. Ervin. Last comment for today on the consent
38 calendar.

39
40 Councilmember Ervin,
41 I actually had my mic on and then I turned my mic off and now I have it back on and the
42 reason being I was going to let it go but I need to respond to the comments made by
43 Councilmember Leventhal. First of all, you know, thank you for the the lecture on
44 counting. I think all four of us that were elected count really well and we understand that



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1 it takes five votes to do anything on this council but I also know that the five votes taken
2 in private do not exactly make the grants process transparent. The reason I even, and
3 by the way, all of you should have received a copy of this on this Friday because my
4 very able confidential aide Sonya Healy was supposed to walk this memo around so
5 that each of you have it. I've already sent it out to many people in the community. I'm
6 really glad I did that because this is just a way to begin another conversation. That's all
7 we're doing here today is that I'm letting it be known publicly that there are viewpoints
8 on this new council and that I wanted my viewpoints to be known and I'd like to share
9 them with members of the community whether or not people will agree with how we
10 should proceed, that's fine. But we're just going to have this discussion so thank you
11 very much.

12
13 Council President Praisner,

14 Thank you. We now are to act on the consent calendar as amended with the
15 amendment to the resolution on the purple line Corridor Cities Transitway and HR3496
16 which probably doesn't exist anymore, as a number, but that's okay and that is the
17 amendment offered by Mr. Berliner without objection is incorporated within the
18 resolution. All in favor of the consent calendar? It is unanimous. Thank you. Ladies and
19 gentlemen, we'll move into legislative session. Any of you who are going to be leaving
20 because you were here only for the consent calendar we would appreciate it if you
21 would do so quietly. We have a legislative Journal Madame clerk?

22
23 Council Clerk,

24 Yes, you have a journal of October 31 and November 28 for approval today.

25
26 Council President Praisner,

27 Ms. Floreen moves, Mr. Knapp seconds. All in favor of the legislative journal. It is
28 unanimous. We are introducing a bill, Bill 48-06, Streets, Roads, Comprehensive
29 Revisions to the Ordinance on Streets and Roads. The Bill is sponsored by
30 Councilmember Floreen, Council President Praisner and Councilmember Trachtenberg.
31 Ms. Floreen.

32
33 Councilmember Floreen,

34 Thank you Madame President. I want to thank you and Councilmember Trachtenberg
35 for joining me as sponsors of this bill and I want to extend my appreciation to Mr. Orlin
36 for producing this bill after four years of nagging. Just a note to my colleagues, it
37 shouldn't be but this is a bill that rises out of my experience back on the Planning Board
38 years ago where Park and Planning had to argue with DPWT on a pretty regular basis
39 about how roadway design should occur in communities. Particularly with the regular
40 terrible tragedy of pedestrian deaths that we're seeing on a basis that is not decreasing.
41 Surely, I think it's incumbent upon all of us to look to some of our basic expectations of
42 how communities should look and that new communities and existing communities as
43 they are revamped need to respect the people who are going to live there and prioritize
44 the people and businesses on the street far more than it prioritizes traffic capacity. We



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1 will have perhaps that conversation as we revisit the growth policy but surely these
2 steps in terms of community design I think will help us significantly in making our
3 community look and feel the way it should, to be responsive to the neighborhoods that
4 surround it and prioritize their needs over speed and traffic flow, so I thank everyone for
5 their support. I'm sure that there will be significant comments from the rest of the world
6 on that but if we can get this achieved we will reduce impervious surface, we will
7 increase street trees and we will address some basic standards that we've tried to get at
8 through other means but less comprehensively than this. So I thank the engagement of
9 all the county staff people who have contributed comments, complaints, observations
10 and the like over time. I hope that the next good idea that a Councilmember has doesn't
11 take four years for drafting but it is tying and I know that staff took this opportunity to
12 make all their improvements as well to a lengthy code. I hope we can end up calling this
13 the community road codes instead of just road code revision because that's the intent of
14 this.

15
16 Council President Praisner,
17 Couple of suggestions and questions. Number one, Mr. Faden can you point me to
18 where the requirement for as built GIS right of way is? I freely admit that in trying to read
19 this over the weekend I couldn't find it. It's not as entertaining and I'll have another
20 comment related to that.

21
22 Mike Faden,
23 Yes, that's on circle 24 starting on line 585.

24
25 Council President Praisner,
26 Line, what'd you say again?

27
28 Mike Faden,
29 585.

30
31 Council President Praisner,
32 Okay, fine and that's been shared with Mr. Royalty?

33
34 Mike Faden,
35 Yes. He contributed to this draft.

36
37 Council President Praisner,
38 Let me make my other suggestion. Nancy just related to the volume of the document. I
39 think it's very important for the council staff to develop a fact sheet on this legislation
40 that would be on the website as well as the full document that would lay out what it is
41 and what it isn't and refer people to the sections that they might want to look at if they're
42 interested. Yeah, I know that but the question is whether that's adequate enough or not
43 on circle 120. What I'm suggesting is not just highlighting it but raising some of the --
44 raising in a Q and A if I'm interested in this, what does it mean, etc. including what does



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1 it do to existing roads.. Alright, without objection then. Nancy, I wanted to tell you, I
2 found a Linda Lauer mistake. She wrote on the council president's agenda where she
3 writes how many votes are needed, she wrote next to the introduction of this bill five
4 votes so I guess we can move to vote on the bill right now. That would save a lot of
5 time. Ms. Praisner, I complement you on your attention to efficiency.

6
7 Council President Praisner

8 No, it's Linda's efficiency and it's also Mr. Andrews.

9
10 Councilmember Andrews,

11 Thank you. I know that one of the goals of the sponsor is to improve pedestrian safety
12 and access and I think it would be helpful for staff to identify what aspects of this
13 proposal will improve pedestrian access and safety.

14
15 Council President Praisner,

16 Good idea. Okay, without objection then, the bill is introduced. The public hearing for
17 the bill is scheduled for January 23 at 7:30 p.m. We move to district council session.
18 Introduction of Subdivision Regulation Amendment 06-04 Streets and Roads Design
19 Standards sponsored by Councilmember Floreen, Council President Praisner and
20 Councilmember Trachtenberg. I do need a motion though on the resolution to establish
21 the public hearing for January 23 at 7:30 p.m. Ms. Floreen I assume you want to make
22 that motion.

23
24 Councilmember Floreen,
25 You bet.

26
27 Council President Praisner,
28 And Ms. Trachtenberg, you want to second?

29
30 Councilmember Trachtenberg,
31 Yes,

32
33 Council President Praisner,
34 Okay, all in favor of the motion? Oh okay. I recognized Ms. Trachtenberg first. I
35 apologize. All in favor of the resolution? Unanimous. Thank you. Okay, we'll move on to
36 the next District Council item. Introduction of Zoning Text Amendment 06-25, Signs
37 generally and art district sponsored by Councilmembers Floreen and Ervin. The
38 resolution would establish a public hearing for January 16 at 1:30 p.m. Is there a
39 motion?

40
41 Councilmember Knapp
42 So moved.

43
44 Council President Praisner,



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1 Nancy, you wanted to speak on it?

2
3 Councilmember Floreen,

4 I just wanted to say this is -- the point of this bill is to make it possible for the shark in
5 Silver Spring to continue and that more creative arts and events can occur within
6 Montgomery county without being subject to arcane and difficult regulatory
7 interpretation so we will certainly have a public conversation about it but it's designed to
8 add a little bit of fun to Montgomery County every so often.

9
10 Council President Praisner,

11 Mr. Knapp has moved. Is there a second, Mr. Elrich has seconded the resolution to
12 establish the public hearing. All in favor? That is unanimous. We move to introduction of
13 Zoning Text Amendment 06-26 Development Plan Findings Amendments sponsored by
14 Councilmember Knapp. Mr. Knapp did you want to comment?

15
16 Councilmember Knapp,

17 Very briefly 'cause I promised the council president I would take no more than 30
18 seconds and so I will take no more than that. I had introduced this development plan
19 findings to effectively facilitate the planned retirement community zone but actually I
20 read over the last night that there are other applicable elements both in the task force
21 findings that we're going to be getting as well as some other projects that are kind of on
22 hold until we can look at this issue and so it was intended to do the next ZTA but there
23 are apparently many more applications so we will have a significant discussion on this I
24 believe.

25
26 Council President Praisner,

27 Right, so I need a motion on the resolution to establish the public hearing for January
28 16th at 1:30 p.m. Mr. Leventhal, second Ms. Trachtenberg. All in favor? In the context of
29 that zoning text amendment I think because it speaks to being able to approve it without
30 a finding of compliance with the master plan, the question I have is where else in the
31 zoning ordinance is there anything that can be established without compliance with the
32 master plan.

33
34 Councilmember Knapp,

35 I'll just add that ideally this is a way to really generate some discussion on this point
36 because this has some significant implications and so I want to make sure that we have
37 put that out there and get the right kind of community feedback to do this the right way.

38
39 Council President Praisner,

40 Next item is Zoning Text Amendment 06-27, Planned Retirement Community Standards
41 sponsored by Councilmember Knapp. Need a motion to establish the public hearing for
42 January 16th at 1:30 p.m. Is there a motion? Mr. Knapp, is there a second. Mr. -- is that
43 -- did I hear, yeah. Mr. Leventhal, okay. They tell me I have to announce who made
44 those motions so that's why I'm trying to be clear about it. If there's no discussion, all in



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1 favor of the motion to establish that public hearing? No. You're not in favor of the
2 motion, Mark? It's unanimous among those present. Ms. Floreen is temporarily absent.
3 We're only half an hour or so behind. Let's move to our public hearing, the first public
4 hearing is a supplement appropriation on the operating budget. Good morning -- good
5 afternoon ladies and gentlemen. That is public hearing on a supplement appropriation to
6 the FY07 operating budget of the community grants nondepartmental account for the
7 Takoma Park Community Center phase 3 in the amount of \$360,000.00. A Planning,
8 Housing and Economic Development Committee work session is tentatively scheduled
9 for January 22, 2007. Persons wishing to submit additional information for the council's
10 consideration should do so by the close of business January 5th. Before beginning your
11 presentation state your name clearly for the record. We have one speaker, Mayor Kathy
12 Porter. From the City of Takoma Park. Welcome Kathy, good to see you.

13
14 Mayor Kathy Porter,

15 Thank you Madame President and members of the Council especially the new
16 members of the council as well as the continuing members. I'm delighted to be here
17 before you this morning. My name is Kathy Porter and I'm Mayor of the city of Takoma
18 Park. I'm here to speak in favor of the supplemental appropriation of \$360,00.00 for the
19 construction of a gymnasium addition to the Takoma Park Community Center. thanks to
20 your assistance in the past and the help we've received from the state and federal
21 governments, Takoma Park has a wonderful new facility in our community center. We
22 are missing however one piece and that is the gymnasium. the prospect of the gym is
23 very popular with the community and is especially popular with teens, many of them low
24 income who live within walking distance of our community center along Maple Avenue
25 in the high-rise apartments. We currently have one and a half million dollars in hand or
26 pledged for the gym. Washington Adventist Hospital has pledged \$750,000. We have
27 bond bill funding of \$360,000 from the state legislature and we have \$435,000 from our
28 program open space allocation. The supplemental appropriation that we're requesting
29 would match the funding we receive from the state. We learned a lot during the
30 construction of our community center and as many of you know, most of it was not good
31 news. We found an unmapped flood zone across our property. We found utility lines
32 that were neither on our plan nor on the records kept by Ms. Utility and we found poor
33 soils. Still wanting to build our gym but a little bit more concerned, we contracted for a
34 feasibility study to determine what problems we were likely to face with the gymnasium
35 and in these times of rapidly escalating construction costs, what the costs would likely
36 be today. The results came in last month. As you know, our previous estimate had been
37 about three million dollars. The analysis showed that a gym begun within the next 18
38 months would cost between five and a half and eight million dollars. We were extremely
39 surprised to hear this. Most of the difference was not in the cost of the building itself but
40 in areas such as site work, the moving of utility lines and the expected escalation in
41 building costs over the next 18 months. Given this new information, the city council has
42 decided on the series of steps. First, the city council noted the continuing support for a
43 gymnasium in our community and just yesterday evening we reiterated our support for
44 building the gym. Our next step is to examine some options that we hope will reduce the



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1 cost of the project I while still providing the basic facility our residents want . Last night
2 the council also directed the city manager to extend the contract with the firm that did
3 the feasibility study to look at some other potential and we hope lower cost
4 configurations for a gym. We've also begun the process of public input on the size and
5 amenities for the gym and how to finance the city's cost of this project. By February we
6 plan to mail information on the gym to every one of our residents to be followed by a
7 public forum and formal public hearing. That is our plans for the future. We have yet to
8 make a final decision but we are moving forward with this project. We appreciate the
9 assistance we've received from you in the past and we look forward to continuing to
10 work with you. I wonder if you could give some time to Howard Kone who is the chair of
11 our liaison committee.

12
13 Council President Praisner,
14 That's your time Kathy. I apologize. You've used up your time. Mr. Leventhal.

15
16 Councilmember Leventhal,
17 I want to ask the council president and chair of the Planning, Housing and Economic
18 Development Committee, will there be a committee session on this matter?

19
20 Council President Praisner,
21 Uh-huh.

22
23 Councilmember Leventhal,
24 I just want to say to my very good friend Kathy Porter. This is an unusual way for a
25 municipality to come to the county to ask for support and what I'm, and I think of the
26 swim center we contributed to the in the city of Gaithersburg. The city of Gaithersburg
27 said it's going to cost this much, it will be started on this date, it will be completed by this
28 date and the county's share is this much and it was a one time request. As I understand
29 it, and correct me if I'm wrong, we don't know how much this will cost, we don't know
30 when construction will begin, we don't know when construction will be completed and
31 we don't know whether, in fact we do know, but, the \$360,000 that you're asking us for
32 won't be the last time that you will come and ask us for support and I guess my
33 preference as a resident of Takoma Park would be that if there's going to be county
34 participation, which I agree there should be county participation, county residents will
35 benefit from the gym, that we have more clarity as to the scope of this project. I've never
36 seen a municipality come to us before with an undefined project with an undefined time
37 table with an undefined cost and with the county's participation undefined and that does
38 cause me concern. I want this gym to be built. I live a few blocks away from it. I believe
39 it's appropriate for the county to play a role in the construction but I think it is very
40 unusual for a municipality say we're just salting money away year after year and we're
41 just banking it little by little, some from the state, some from here, some from there,
42 some from the county. We know you'll be back because you're not going to build an \$8
43 million gym with a \$360,000-dollar county contribution and I think it's reasonable for the
44 county to make a contribution. I just don't understand how much we're being asked to



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1 contribute, when it will be done, what is the scope of the project and so this is a very
2 undefined request from the city of Takoma Park.

3
4 Mayor Kathy Porter,

5 Thank you and I do appreciate that concern. I would note that prior to our getting these
6 most recent cost estimates on the feasibility study we had a better sense of where we
7 were going. This has changed our schedule a little bit. I would also note that we have
8 built most of the community center already although we did have problems with that
9 building in terms of cost and in terms of timetable. We did continue to work on it and we
10 did continue to make efforts on the project and we have completed a large portion of the
11 project already and so I have no doubt that we will continue with this project and will
12 finish it and we should have within the next couple of months a sense of where the
13 additional funding would come from and a better sense of the timetable and the final
14 cost.

15
16 Council President Praisner,

17 Before the Planning, Housing and Economic Development Committee brings this out for
18 any council consideration the answers to those questions will need to be clear to the
19 Planning, Housing and Economic Development committee.

20
21 Mayor Kathy Porter,

22 Yes. I appreciate that.

23
24 Council President Praisner,

25 We will have a discussion but the question of whether there is action on it is after we get
26 the answers to those questions Mr. Leventhal. Ms. Floreen

27
28 Councilmember Floreen,

29 Thank you, We talked about this kind of regularly and I wanted to find out what the city's
30 thinking was with respect to the fees. We had raised that in committee last spring on --
31 we had thought that rec programs and the like, that were occurring in the gym, if the
32 county was going to make a significant contribution that there would be some benefit to
33 other county residents and according to Lisa's staff packet it's not clear to me at least
34 whether the city council took this matter up and Mr. Elrich gets a pass on this right now.

35
36 Councilmember Elrich,

37 Thank you.

38
39 Mayor Kathy Porter,

40 We have noted the interest of the council in having the same fees as I understand what
41 you're talking about is having the same fees for non-city residents as city residents.
42 Certainly if you wanted to make that part of the package we would be happy to do that.

43
44 Council President Praisner,



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1 I think what she's looking for is an answer. Will--with county contribution, will there be a
2 commitment that the fees will be the same whether you live in the city of Takoma Park
3 or not, that's the question.

4
5 Mayor Kathy Porter,
6 If you want to make that part of your package, yes, there will be.

7
8 Council President Praisner,
9 Okay. Thank you. Okay. I see no further questions. Thank you Kathy, good to see you.

10
11 Mayor Kathy Porter,
12 Good to see you.

13
14 Council President Praisner,
15 Good afternoon ladies and gentlemen this is public hearing on a supplemental
16 appropriation to the FY07 Operating Budget of the Montgomery County Fire and
17 Rescue Service for the Urban Area Security Initiative in the amount of \$20,000. Action
18 is scheduled following the hearing and I believe there are no speakers for the hearing
19 so the hearing is closed and I don't know if this went before the Public Safety
20 Committee but I would entertain a motion on this action.

21
22 Councilmember Andrews,
23 Move approval.

24
25 Council President Praisner,
26 Mr. Andrews has moved approval. Ms. Floreen has seconded the motion. All in favor to
27 approve the federal money for our fire and rescue sources UASI initiative. It is
28 unanimous. Thank you very much. Good afternoon. This is a public hearing on a
29 supplemental appropriation to the FY07 operating budget of the department of health
30 and human services and department of police for the Maryland Regional Gang
31 Prevention Initiative in the amount of \$1,974,460.00. Action is scheduled following the
32 hearing. We have two speakers. Nguyen Minh Chau from the Hanbaikungfu After
33 School martial Arts Program and Lori Melman from Family Learning Solutions. Chau,
34 you're first.

35
36 Nguyen Minh Chau,
37 My name is Nguyen Minh Chau. I am the pro bono manager of two after school martial
38 arts programs based at theCenter of Gaithersburg. Martial arts as last resort. To
39 date we serve the students of Gaithersburg High School. We teach them physical
40 exercise, self-defense, self-confidence and self-control. Martial arts as a last resort.
41 Administrators of the Gaithersburg High School have credited the program with
42 improving the students' school performance, including attendance and other subject
43 matters. Four of our graduates have satisfied the standards for being leadership
44 members of our school and they are now serving with a small stipend as instructional



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1 aids to the instructors. One of them has excelled in his kung fu expertise and behavior
2 and has been accepted as an intern for the Chamber of Commerce of Gaithersburg and
3 Germantown. His father is here to say his thanks.

4
5 Carlos Moya,

6 Afternoon. My name is Carlos Mayo. I live in Gaithersburg, at 9025 Centerwood Road. I
7 am here to thank you because my two sons are studying martial arts after school and
8 they do okay in Gaithersburg High School. I work for -- Company. My wife has two jobs.
9 She works in the health center, care center of Asbury and she clean house as well. At
10 martial art class my son learns physical exercise and feel stronger for his school work.
11 In school they study harder. In martial art class they are also in safe company, not
12 violence. They learn ways to defend themselves but not to fight. Also, I am very happy
13 that martial arts school has helped one of my sons to be intern in the Gaithersburg
14 Germantown Chamber of Commerce. This will be useful for him next year when he is
15 starting in business at Montgomery College. I hope we will continue to help my son and
16 all boys and girls like them. Thank you .

17
18 Council President Praisner,

19 Thank you very much, Lori?

20
21 Lori Melman,

22 Hi. My name is Lori Melman, Silver Spring address, do you need the details of the Silver
23 Spring address? Okay. I'm here today as executive director of family learning
24 resolutions but more importantly as a resident of Montgomery County to testify in favor
25 of making our streets and communities safer in Montgomery County. I believe there is
26 no better priority for our tax dollars than to make our communities as safe as they can
27 be. To improve every odd of not being assaulted, raped, robbed, threatened or
28 murdered. To me expecting my government to do everything it can to keep me safe is
29 synonymous with a civil right. Some of you know and other perhaps not, Family
30 Learning Solutions specializes in reducing juvenile crime and victimization. That is we
31 provide programming to help angry and emotionally neglected youth develop coping
32 strategies to not take their disappointments in life out on peers or strangers and to learn
33 how to protect themselves from unwanted verbal and physical assault and sexual
34 behavior. As a result of our targeted programming during our nine years out of one
35 hundred youth we had two male youths involved in DJJ and one female teenage
36 pregnancy. I know from attending gang prevention meetings and articles in the
37 newspaper that Montgomery County is concerned about violence prevention. There is
38 simply no other way to ensure less violent acts in Montgomery county without targeted
39 resources to decrease violent behavior among youth and young adults and increase
40 protective behaviors to decrease the opportunity for becoming a victim. Both to me are
41 equally as important because even if you are not the primary aggressor there are times
42 when you can act in ways that decrease or increase the odds of experiencing violent
43 crime, whether it's during the school day or out in the community. Obviously this is what
44 I tell the kids in my-- . If the council decides to make public safety via gang prevention a



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1 greater priority you should know that there are successful programs already operating in
2 Montgomery County. As I just stated nine years of comprehensive services resulted in
3 an effective delinquency prevention program among our targeted population which
4 consists of kids K through 12th grade completely unsupervised during after school
5 hours, weekends, holidays and summer vacations whose parents are in generational
6 poverty situations or newly immigrant status. As a social worker I designed this program
7 to assist young people who are struggle with their emotional development the very thing
8 that influences how a child copes with stressful situations in family, school and
9 community. I know the family learning solutions program decisively designed it's
10 program to deal with emotional development. We are also contracted to work with DJJ
11 and the Maryland Mentoring Partnership to focus on the needs of DJJ youth on
12 probation to keep them on the right track. There are other programs as well in
13 Montgomery County that have served youth or families high risk for gang involvement
14 that have been just as effective. I know this can seem like a daunting task to reach and
15 make meaningful connections with young people who can seriously hurt another person
16 like it is nothing to them. The quality programs that' are comprehensive and address the
17 underlying emotional issues in these persons do work. In conclusion I hope that the one
18 million allocation is approved to increase opportunities for youth to learn positive coping
19 strategies and to improve safety conditions for innocent Montgomery County residents.
20 Thank you. And I can give this. I have copies.

21
22 Council President Praisner,

23 Thank you. Just give those to the clerk, I'd appreciate it. Thank you. This concludes the
24 public hearing. We do have recommendations from Public Safety Committee and HHS
25 Committee. I'll turn it over to Mr. Andrews.

26
27 Councilmember Andrews,

28 Thank you Ms. Praisner. Yes, the recommendation of the joint committees is to approve
29 this supplemental appropriation which is federally funded. There are a lot of different
30 initiatives that we have undertaken to address gangs in Montgomery County. We know
31 that it is a significant problem. There are approximately 28 active gangs right now with
32 about 900 members according to the police department's gang database. The approach
33 we're taking is a very comprehensive one and a lot of emphasis on prevention because
34 that is our foremost goal is to deter, prevent young people from joining gangs and there
35 are a lot of different ways to do that particularly with a focus on after school programs
36 which have been -- the after school hours being the prime time for juvenile crime
37 because of the unsupervised number of young people in those hours, so we've put a lot
38 of emphasis on that. The County Council this last spring voted to expand the rec extra
39 program to all middle schools in the budget, so that's in there. This is a federal grant
40 that would provide for a combination of things. It provides six officers for the centralized
41 gang unit in the police department that will be coordinated by an existing sergeant who
42 is there now and that will greatly supplement the work that is already being done by
43 gang coordinators in the district stations. They will work closely with the centralized
44 gang unit to share information and make their work as effective as possible. The funding



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1 will also go for, most of the remainder of the funding will go for the Crossroads
2 Opportunity Youth Center that serves both Montgomery and Prince George County that
3 is located in Langley Park and that is already well used. During the Joint Committee last
4 week we asked for information about how the center will be evaluated in terms of its
5 effectiveness. Clearly it's already being used by approximately two hundred young
6 people and that's a good start. About \$501,000 of the \$1.974 million is for the police
7 department and the remainder for Health and Human Services to use for the center as
8 well as for a portion of Prince George County Sheriff which is in this -- one appropriation
9 from the federal government, so the joint committees are moving approval of the
10 supplemental appropriations.

11
12 Council President Praisner,
13 Thank you Mr. Leventhal.

14
15 Councilmember Leventhal,
16 Thank you Madame President. As Chairman Andrews said, the committee has
17 supported this. I just wanted to bring a couple of facts to light that I think are interesting.
18 Reference was made earlier to the congressional earmarking process and I have a lot
19 of background on that. I've actually written papers on the topic and there are many flaws
20 in the earmarking process in congress but this \$1.9 million was an earmark and I just
21 wanted to acknowledge that Congressman Van Hollen Congressman Wynn, and our
22 colleagues from Virginia, Congressman Davis and Congressman Wolfe have worked
23 very closely together to secure Justice Department funds for this region and that this is
24 a creative approach as Chairman Andrews outlined that combines law enforcement with
25 attention to the social and developmental and educational and fitness and community
26 building needs of target communities. I just think that's an interesting point and
27 regardless of what we think about earmarks and the big picture, I just wanted to thank
28 our congressional colleagues who have worked very effectively together to get attention
29 to this region.. The second point I want to make is I appreciate very much the testimony
30 by Nguyen Minh Chau and Carlos Moya and Lori Melman. We need to look at all of our
31 young people as resources and Chief Manger in his appearance before our Joint
32 Committees indicated that he actually sees the gang problem not as his department 's
33 number one crime priority problem in Montgomery County. It is a problem. Estimated
34 nine hundred gang members is very serious. Those gang members come from a variety
35 of demographic groups. The concern that I want to state is that in the course of the last
36 several months as we were all out very intensively meeting with the public, I think
37 there's a very strong misperception out there about the degree to which Latino youth are
38 involved in gang activity. If you assume that there are 900 gang members of which not
39 all are Latino and if you assume that the Latino population of Montgomery County is 11
40 or 12 percent of a county of nearly one million people and you assume that 110
41 thousand people or so tend to be young, that surely at least half of the Latinos in
42 Montgomery County are young. We're talking give or take, these are rough numbers, 50
43 thousand or 55 thousand Latino youth of whom significantly less than 900 we estimate
44 are involved in gang activity so I just wanted to look at those numbers as a way to make



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1 the point that our Latino youth are an important part of our community. We are finding
2 ways to reach out to young people from all backgrounds, from everywhere but I really
3 want to take on this misperception that I do hear from my constituents unfortunately that
4 somehow gang activity is really very, very, very prevalent among Latino youth in the
5 county because the numbers would indicate that is not so.

6
7 Council President Praisner,
8 Thank you. Ms. Ervin.

9
10 Councilmember Ervin,
11 I appreciate Councilmember Leventhal's comments very much because I received a call
12 just in the last couple of days about this grant and one of the questions came from a
13 Latino organization in the county that wanted me to ask the question about the level of
14 cultural competency among the gang initiative unit and what kind of diversity they have
15 number one and number two there is a misconception in Montgomery County that gang
16 violence is directed in the Latino community when we know in fact that there are
17 African-American gangs which historically, and in Montgomery County there always
18 have been, and Asian gangs. So I really appreciate Councilmember Leventhal's
19 comments because I really am concerned about the public perception and the
20 perception in the media that our gang violence is predominantly in one community and
21 that's problematic. My question was about the level of diversity in the gang initiative.

22
23 Councilmember Leventhal,
24 Madame President?

25
26 Council President Praisner,
27 Yes.

28
29 Councilmember Leventhal,
30 I asked that question of Chief Manger, Councilmember Ervin and he's going to get back
31 to us with an answer in terms of how many of his officers speak Spanish and what
32 assignments they've had. We've asked him for a fairly detailed breakdown. I think your
33 office was contacted by the same folks that contacted my office so we'll be getting a
34 response from Chief Manger on that very point.

35
36 Council President Praisner,
37 Okay, we have the joint committee's recommendation to approve the funding. I wanted
38 to just make a personal comment. Having sat in a variety of council and committee
39 meetings, discussing the gang issues, having attended the public hearing that
40 Congressman Davis had in Takoma Park on this issue with Congressman Van Hollen
41 actually Congress Rupersberger came as well, and Cumming as others as well as
42 Wolfe. It's clear that we are getting significant support on the congressional level. I think
43 that's very much appreciated. On the other hand, federal grants have a tendency to go
44 away, and then the responsibility and the obligation becomes the local government



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1 level. Whether it's federal money or it's local money. I have been less than enthusiastic
2 with the way in which county government has put together their gang prevention
3 initiatives from the first when we talked about class size reduction as being the school
4 systems initiative in that area. We are going to see with -- from the health and human
5 services perspective, obviously, different leadership. This has been a joint initiative with
6 the police and health and human services. I would hope that we have more
7 comprehensive information about how we're going to measure the effectiveness of the
8 programs and how we're going to identify which specific programs are associated with
9 these initiatives and where and how the school system is engaged in this effort. I think
10 Mr. Elrich's comments in the committee meeting about the focus on the elementary level
11 and prevention of participation as well as on trying to get kids out of gangs and dealing
12 with gang membership. It's got to be a comprehensive initiative. And we also have to
13 look and I appreciate the comments made about stereo typing. I hope when the joint
14 committees meet on these issues in the future, we have a response that answers and
15 has the answers to questions like how many officers speak Spanish when the
16 presentation is made, not that we have to wait for that information. Mr. Andrews, you
17 wanted to comment.

18
19 Councilmember Andrews,
20 Right those are good points. We do want to know those answers and those are answers
21 that should be readily available when we have the committee sessions. I want to thank,
22 also, the folks that testified today for the good work they've been doing for many years
23 in the community.

24
25 Nguyen Minh Chau,
26 Could I make a quick comment?

27
28 Councilmember Andrews,
29 I appreciate it.

30
31 Nguyen Minh Chau,
32 I'd like to point out that the chief has met with the three ethnic advisory liaison groups.
33 The group has come up with a joint employment kind of advisory function in that we're
34 going to look at the ways to help candidates, minority candidates better access the
35 testing system. Because right now they have eliminated because of their language
36 problem or whatever.

37
38 Councilmember Leventhal,
39 You're talking about candidates for officer positions, police officer positions?

40
41 Nguyen Minh Chau,
42 Yeah we have that going.

43
44 Council President Praisner,



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1 That would be very helpful with new hires. What we wanted to know, though, I thought
2 Chau is-is how many of the officers at the current point have language capacity.

3
4 Councilmember Andrews,
5 Right, current assignments, yeah

6
7 Nguyen Minh Chau,
8 And the other point -- I'm sorry. The other point I wanted to make is with the \$18,000
9 that Hanbaikungfu had just gotten from the joint county initiative for gang prevention,
10 we're going to expand into the Forest Oaks Middle school as well as the Summit Hall
11 Elementary School. This has not been the focus of the gang prevention people. But we
12 are to go in there.

13
14 Council President Praisner,
15 Right good.

16
17 Councilmember Leventhal,
18 Thank you.

19
20 Council President Praisner,
21 The committee's -- joint committee's recommendation is before us, thank you all very
22 much for your testimony. All in favor of the approval of the resolution action. It is
23 unanimous. Thank you. We have two more items on the agenda, the first is the
24 resolution regarding the Planning Board study of growth policies. I thought I saw Mr.
25 Hanson here earlier, there he is. Hi Royce. When this resolution was introduced last
26 week, there were some Councilmember questions about the Planning Board's capacity
27 on these issues as well as some other substantive questions. The resolution, I think, it's
28 pretty clear as to the kinds of issues that the Planning Board would look at as well as
29 the capacity, obviously, to go beyond that if they choose. And in addition that this is
30 anticipated also to allow the Planning Board to segment the work that they do with
31 follow up pieces that might not be completed by the time we start with this
32 comprehensive review of the annual growth policy. As I would remind my colleagues
33 every time we do the AGP, there are items for further study that we ask the Planning
34 Board to work on, so sequencing of these issues is not unique as well. I want to thank
35 Councilmembers Andrews, Elrich, Berliner and Trachtenberg for also cosponsoring the
36 resolution. Any comments that you might want to make Mr. Hanson or staff they would
37 be appropriate at this time. Royce? Is your mic on?

38
39 Royce Hanson,
40 Yes it is Madam President. .

41
42 Council President Praisner,
43 Okay, good thank you.



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1 Royce Hanson,
2 I'm Royce Hanson, I'm chairman of the Montgomery County Planning Board, I have with
3 me, Farel Hamer, who is our acting Director of Planning who will have the task of
4 assigning staff and Karl Mortiz who will have the task of directing this particular project.
5 We think we can meet the deadlines that you've set both for the presentation of the
6 comprehensive report in late May and for the interim reports in February and April. It will
7 be necessary to reassign some staff and that will mean the delay of-of for probably a
8 few months of some of the master plans and functional plans that are currently in our
9 work program. We can give you more detail on that as we go along as you wish and as
10 staff are assigned. The truncated schedule which cuts about three months off the
11 normal process, will require us to organize the work into staff teams. And it will mean
12 that we will have to use some invaded techniques for public engagement in this
13 process. We will use expert forums and work sessions rather than formal hearing
14 processes, which frankly I think are far more fruitful than-- than formal hearings you
15 know because it allows us to conduct a dialogue with people rather than to listen, say
16 thank you and move on to the next repetitive speech . The objective of this exercise will
17 be to produce a comprehensive policy and a set of policy tools and recommendations
18 for managing growth both restricting it where it is inappropriate or untimely, and where
19 at whatnot to occur as well as identifying where growth is appropriate and desirable and
20 what will be necessary to support it in the form of infrastructure and levels of service .
21 We also would expect in this to look at some of the qualitative standards that we should
22 expect for growth to occur as we would like to see it and some of the physical effects of
23 doing it well or not doing it well. Undoubtedly we will raise questions that won't be fully
24 satisfied by the report and we will look forward with enthusiasm to trying to answer
25 those questions as well.

26
27 Council President Praisner,
28 Thank you. Ms. Floreen.

29
30 Councilmember Floreen,
31 Thank you. Whenever these issues have been presented -- worked through by the
32 Planning Board or by this council, I know, they always represent a challenge of
33 communication as much as anything else and so I would ask for your help in helping us
34 to find growth. Is it the rate of growth or is it the rate of change?

35
36 Royce Hanson,
37 Yes.

38
39 Councilmember Floreen,
40 Right now, we're facing actually decrease in a school enrollment. We're facing an
41 increase in vehicle registration. While we, I think my favorite statistic, I hope you'll, I'd
42 like you to verify this Karl if you can. Do we still have more registered vehicles than we
43 have registered drivers within Montgomery County.
44



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1 Karl Moritz,

2 I remember hearing that too, but I'd you know I'd like to validate that.

3
4 Councilmember Floreen,

5 I would like us to have a baseline from which we operate in these conversations. Are we
6 talking about the rate of approvals for speculative kind of process, of projects? Or are
7 we talking about the rate of actual new jobs that are verifiable. As you know there's
8 approvals at your level they are permitting approvals and then there your assumptions
9 about you know, if you approve 30 million square feet of commercial space, what does
10 that translate into in terms of people, actual people within Montgomery County? I think
11 we need to work on the conversation and the dialogue and the language and come to
12 some agreement as to what we're all talking about because I certainly whenever this
13 conversation comes up, I believe that everybody is responding to different
14 environmental factors. I will ask that if you can frankly in next month we're going to be
15 taking up the moratorium issue or suspension or whatever we want to call it, pause, I'd
16 like to know what the -- what the increases have been in a couple of categories over the
17 past few years so we understand where we are at this point in time. Certainly the
18 Planning Board activity has been -- was significantly effected by the Clarksburg
19 challenges over the past several years. And I don't know what that's translated into in
20 terms of permit approvals. I surely don't know what that's translated into in terms of
21 actual jobs that the people who count jobs tell us. We have gotten that information
22 incrementally in different environments over time but I would like to have that and I
23 would hope that you would use that as your work through the growth policy issues. The
24 other thing I would ask you to take up in this effort is looking at the community design
25 issues and how they impact our focus on numbers. The annual growth policy is a
26 numbers driven document. But at the same time we're going out and talking about
27 corridors, boulevards, communities, pedestrian friendly environments. We need to come
28 to grips with what the inherent conflicts which I believe we create by talking in two
29 different categories. Is our focus on vehicular movement or is our focus on
30 communities? How do we create those community characters in the ways that you look
31 at in sight plan review and possibly new zoning forums, while at the at the same time
32 satisfying a numbers game that's played in another department. And not a game, but a
33 number standard that we've been relying upon to judge our success or failure at
34 different levels. So I'm all for looking-- taking a look at whether we can build a better
35 mouse trap here, but I am concerned that the language be consistent throughout that
36 there's agreement on what we're talking about and where we hope to end up. I
37 understand we will argue no doubt, debate, have input on whatever comes out of this
38 analysis. I think it's important that the language be clear. And we come to some
39 agreement as to what our community future is going to look like and I think that's more
40 important personally than the numbers per say, and I think there are not everybody,
41 appreciates, I think, that we have a room full, libraries full of master plans. Where there
42 was at some point at least agreement as to how our communities might look. The
43 challenge is always an implementation and I have been trying for a long time to make
44 sure that we could prioritize our implementation strategies. I hope that this annual



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1 growth policy exercise will enhance what we've already been able to do in terms of
2 focusing on infrastructure as well. We did a fair amount of that over the past four years
3 and I hope that you will find a way to help us make the right capital improvement
4 decisions as well, perhaps in a more enhanced way than we've been able to do over
5 time. Those are a couple of areas where I ask that we have some information and policy
6 and that you work through the policy issues as you undertake this effort.

7
8 Royce Hanson,
9 We'll do our best.

10
11 Councilmember Floreen,
12 Thank you.

13
14 Council President Praisner,
15 Obviously policy area review might incorporate corridors rather than policy areas that's
16 something you would want to look at. Mr. Knapp?

17
18 Councilmember Knapp,
19 Thank you Madame President. I referenced a couple of these last week, I just want to
20 make sure I got them back on the record. One is, and I guess it would fall under
21 number one, so it's kind of a clarification of what I think you're trying to get at. One of
22 the things I'd like to get a sense of is the actual -- I think this references the specific
23 facilities or projects that may not exist to the extent that you're working with DPWT are
24 the appropriate organization get a sense of what is the actual funding requirement of
25 things that we should have done, kind of where did the responsibility lie for those
26 funding activities and then kind of take that moving forward as well. So where--what's
27 the gap for what we should have done to where we are. What do we expect given
28 where we or the present situation and then going forward and figure out kind of where
29 those responsibilities should lie and how it will probably look differently with looking
30 back than it will looking forward. The second was under, actually kind of tied into that
31 the notion of what is the assumption for timing of when required infrastructure is
32 expected for development? And again, this is kind of getting some clarity out there
33 because when you're doing a development of community as we've seen, the
34 expectations of community will be one thing rightly on wrongly and for us to have a very
35 clear idea so that we can articulate to people ideally as the development is moving
36 forward as to when our expectations can be thought of and when they can't, cause I
37 think that is significant point of confusion. Another Number 3, where it says reinstating a
38 form of policy or transportation review and I just would alternative for discussion, I mean
39 that was the thing we--we talked about last week that we kind of got caught in a bind we
40 had an alternative people. And people didn't like the alternative and there was no place
41 else for us to go with the discussion. And then -- I'm not sure where to plug this one in.
42 but I've heard a lot of people say so my previous colleagues some others that, part of
43 the problems with our current AGP is that-- all the elements are represent a test that
44 everyone can pass. I'm not sure that if we're actually managing things appropriately



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1 then as things move forward, it has all of the critical boxes checked and so it can move
2 forward so presumably any proposals or any activities should pass because it's met all
3 of the requirements that we've outlined. It shouldn't be a test that we kind of throw back
4 to fail, it should be something that we are working together with wherever development
5 is supposed to occur. We have clear outlines, clear guidelines and people know where
6 we're going. And so I guess to that extent as we look at whatever we're presenting that
7 there are clear criteria so that we as well as, whoever may be developing or community
8 as projects come forward, know what it is that the expectations are that we're not trying
9 to play got you. Oh you applied, oops sorry, your test, you didn't meet our test. I think
10 this even gets back to the customer service discussion we had earlier this morning. We
11 should be, when it meets the right requirements, we should be working with people to
12 accomplish things that are needed for communities and not trying to play gotcha and so
13 to the extent that we can identify some guidelines that we understand and that the
14 people out there understand as to what you are looking for. So there's some clarity in
15 the expectations. Thank you.

16
17 Royce Hanson,

18 Just one point. On that issue that I think we and council need to keep in mind is that the
19 idea is not to set a set of minimum standards that if met it's okay. But particularly when
20 we get to the issue of approval of subdivisions, one of the issues always is not just does
21 it meet the minimum standards, but does it achieve the kind of balance of features that
22 make it reasonable to exercise discretion to allow it to proceed.

23
24 Councilmember Knapp,

25 Sure. Some type of qualitative analysis. But to be able to identify for people what it is
26 that we're actually analyzing so it's clear to the community and to whomever may be
27 proposing a project. I agree.

28
29 Council President Praisner,
30 Mr. Elrich

31
32 Councilmember Elrich,

33 I'm really looking forward to undertaking this comprehensive review.

34
35 Royce Hanson,
36 But you're new?

37
38 Councilmember Elrich,

39 But I'm new. [laughing] I've been totally disinterested in this up till now. I've suddenly
40 discovered sitting on the council

41
42 Council President Praisner,
43 No doubt, he's not new to this.



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1 Councilmember Elrich,
2 I've suddenly become interested in this.

3
4 Council President Praisner,
5 All of a sudden

6
7 Councilmember Elrich,
8 It's amazing how things attract your fascination. But I want to say couple things, one is, I
9 think it's wrong to ponder how we got in this mess any more than, you know, it's like
10 George Bush saying, I wonder where we went wrong and got in Iraq, and you know,
11 who knew. The fact is there's a whole bunch of people who knew before they got there
12 what was going to happen, it wasn't like everybody said, oh, this is a great surprise to us
13 any more than I think some of the mess that's occurred in Montgomery County in terms
14 of excessive congestion and development where we don't want it isn't exactly an
15 accident. There's a lot of people that said there's no money for infrastructure, your
16 schools are overcrowded, you don't have capacity, and if you do these things you're
17 going to get more over crowded roads, more over crowded schools and more problems.
18 So I don't view this is like a surprise and say oh my goodness what has happened here.
19 I think we need standards but I agree with what you said about standards need to reflect
20 some sensibility in the community. And I think going back to 2003 annual growth policy
21 report, where the Planning Board said very clearly that the demands on the
22 infrastructure had exceeded the ability of the infrastructure to provide a level of service
23 at a level that the community considers acceptable. So some people knew that the
24 standard levels of service were not be provided at a level community considers
25 acceptable. I expect to see standards that reflect whether the communities consider
26 acceptable. I can set an intersection number that will pass the test. And everybody in
27 the neighborhood will say, how can you possibly let this happen and we'll just say, well it
28 passed the test or you can set at intersection levels that allow traffic to move in a
29 reasonable way and people say I'm glad you set the standard at a decent level and it's
30 reflected by what I see on the streets. So I'm very interested not just in standards but
31 I'm interested in standards that restore quality of life to a level that we -- that we
32 consider acceptable in our community. And I think, you know, Nancy's point about
33 communities have a conflict between communities and standards is inherent. I mean it's
34 hard to have livable, walkable communities and maximize traffic flow through that.
35 Those two things don't work together unless you've got an amazing amount of money to
36 put all the traffic on the ground and all the people on top. I don't see us having that
37 ability. I think a poster child for this is what this council is going to be talking about some
38 point in terms of Forest Glen Road, where you know, on the one hand the developers
39 say, you know, this is appropriate. This is an urban setting, you know, we have traffic
40 comparable for an urban level. And when you suggest doing a four way stop with no
41 right turns because it's the least expensive and easiest way to guarantee the
42 pedestrians to cross the street safely they say, oh, that's no good because it will slow
43 down the through put of cars. If you were really in an urban setting, you would say that
44 pedestrians get to cross the street and they get to do this safely and yeah cars slow



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1 down. If I'm downtown Manhattan I don't expect to be flowing intersection to intersection
2 in downtown Manhattan. That's not to going to happen. I going to stop and wait a long
3 time while pedestrians cross. We need to be clear if we're telling people if we're built out
4 to urban environment then people ought to expect pedestrian safety and levels of you
5 know community standards that are appropriate for an urban environment, but we seem
6 to feel urban densities and suburban road patterns. I just think those two things to not
7 go together. I hope also you'll talk a little bit about not be so quick to say that
8 Montgomery County is urban. Because the key feature of an urban area is a grid road
9 system. Urban urbanity is not simply a reflection of do I have a bunch of high rise office
10 buildings and a concentration of them. You can put them any place, you know it doesn't
11 make it a city, it doesn't make it and urban environment. Urban environments are
12 classical built on grid systems so people have multiple ways of getting around. So I
13 don't want people to simply pronounce Montgomery County urban that we deserve to
14 have all the problems that urban areas have when we have none of the facilities or the
15 appropriate facilities that urban areas have. I say similarly about mass transit.

16
17 Council President Praisner,
18 Mark, I'm going to ask you to wrap up please because,

19
20 Councilmember Elrich,
21 I would like to say in consideration for transit simply the fact you got transit doesn't
22 mean it goes where transit needs to go, so I look forward to the work you are going to
23 do.

24
25 Council President Praisner,
26 I'm going to invoke the Leggett rule and remind folks that there are five co-sponsors for
27 this resolution. Mr. Leventhal you are the last speaker.

28
29 Councilmember Leventhal,
30 I just want to state for those watching, I--I think this resolution has been thoroughly and
31 carefully drafted by the Council President and I will vote for it. And my understanding is
32 it's likely to pass unanimously. Those who are watching should not assume that
33 unanimous passage of a request to the Planning Board to take a look at these issues
34 per sages a unanimous belief on the county council that we need radically to change
35 the rate of growth in Montgomery County. So I'm voting for this resolution today. I
36 reserve, as all Councilmembers do, you know, the ability to ask a lot of questions and
37 look forward to the dialogue that it will ensue.

38
39 Royce Hanson,
40 I've been doing this long enough Councilmember Leventhal, to know that unanimity is
41 no substitute for agreement. (laughing)

42
43 Council President Praisner,



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1 Okay. The resolution is before us to ask the Planning Board to begin earlier and to
2 conclude at least phase one earlier of the regularly scheduled review of the annual
3 growth policy, remind my colleagues in the community that is to have happened any
4 way and that this is the beginning. All in favor of the resolution. It is unanimous. Thank
5 you very much. We'll move to the last item on the agenda which is the resolution
6 regarding the spending affordability guidelines for FY08 operating budget, the
7 management in fiscal policy committee me yesterday and reviewed the original
8 committee recommendations and I'll turn it over to Ms. Trachtenberg for her report.

9
10 Councilmember Trachtenberg,

11 Thank you Madam President. I'm here this afternoon and representing the MFP
12 committee, making the recommendation to the entire body that the guidelines as
13 recommended by staff be approved by the entire body. I'm not going to be long in my
14 comments, I'm simply going to state that committee recommends that the ceiling on
15 property taxes be set at the charter limit. There was some discussion within the
16 committee that in May during budget cycle, the council may decide to use some mix of
17 reducing the rates and giving credits. The consensus of the committee was that we
18 would rather increase revenue and increase agency allocations in May rather than
19 having to decrease them clearly the results, though, additional comment and discussion
20 around the GASBE requirements and the fact that we would have to start prefunding
21 retiree health costs. I'm going to ask my colleagues to go over to circle three, which has
22 an outline of the guidelines that we are suggesting be adopted, in particular the property
23 tax revenues are itemized in number 1 A, in item B, there's a description on the
24 aggregate operating budget and agency allocation. Again I note that these are slightly
25 higher than what was provided to council back I believe the end of November. And in
26 item number 2, there is a description of the components of the reserve, again, which
27 has stayed the same from what was provided in November, so I would simply ask that
28 my colleagues, the entire council, approve the resolution, stating clearly that the
29 affordability guidelines are acceptable as proposed.

30
31 Council President Praisner,

32 The only comment I would make if I might add is that the calculation initially on the
33 property tax revenue were it-- was if it were completely a rate reduction or rate set. But
34 in the past, the council in the last two years has used a variation on that with credits.
35 We've moved as Ms. Floreen led us to looking differently at the personal property tax
36 piece of property tax, so this is just the beginning. We have given ourselves the latitude
37 to look at the credit combination but we didn't want narrow the council's capacity and
38 ability at this point. The committee's recommendation -- oh, Mr. Elrich.

39
40 Councilmember Elrich,

41 I guess-- I guess I would have preferred that the council had used whether we were
42 looking at a proposal of mixed rebates with the tax rate.

43
44 Council President Praisner,



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1 We probably will, in the spring, but that's that doesn't preclude us from doing it and we
2 will probably do that. But the question is how you do that mix, and it usually occurs in
3 the budget review process rather than at this point when we know. Okay. All in favor of
4 the committee's recommendation please raise your hand. That is unanimous. We are
5 adjourned. I want to on behalf of the council, wish everyone a very happy holiday and a
6 happy and safe new year. We will be back in January. Thank you very much.